

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

EPIC SYSTEMS CORPORATION,

Plaintiff,

v

Case No. 06-255-JJF

RESOURCE SCHEDULING CORPORATION,

Defendant.

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by January 26, 2007, the information required by Fed. R. Civ. P. 26(a)(1) (A) and (C) and D. Del. LR 16.2

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before March 30, 2007

3. **Discovery**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by April 27, 2007, unless otherwise agreed to in writing by the parties or ordered by the Court

(b) Maximum of twenty-five (25) interrogatories, including contention interrogatories, for each side

(c) Maximum of one hundred (100) requests for admission by each side.

(d) Maximum of ten (10) depositions by plaintiff(s) and ten (10) by defendant(s), excluding expert depositions

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party that bears the burden of proof within thirty (30) days of the Court's Markman decision; rebuttal reports are due thirty (30) days after initial reports are served. The parties shall not supply reply reports.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

4 Discovery Disputes.

(a) Any non-ease dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion

(b) The Notice of Motion shall indicate the date the movant seeks to have the motion heard. The date selected shall be within thirty (30) days of the filing of the motion and allow for briefing in accordance with the Federal and Local Rules. The Court has scheduled the following Motion Days:

February 2, 2007, at 10:00 a.m.
March 2, 2007, at 10:00 a.m.
April 13, 2007, at 10:00 a.m.
May 4, 2007, at 10:00 a.m.
June 1, 2007, at 10:00 a.m.
July 13, 2007, at 10:00 a.m.

(c) Upon filing of the Notice of Motion, a copy of said Notice should be sent to Chambers at: jjf_civil@ed.uscourts.gov.

(d) At the motion hearing, each side is allocated twenty (20) minutes to argue and respond to questions from the Court.

5 Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before May 30, 2007

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before November 30, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions

TBD

7. **Markman.** A Markman Hearing ~~will be held on September 30, 2007.~~ The parties shall file their opening briefs on claim construction by August 15, 2007. The parties shall file their response briefs on claim construction by September 15, 2007. The parties shall not file reply briefs. The Court, after reviewing the briefing, will allocate time to the parties for the hearing

8. **Applications by Motion**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion

(b) No facsimile transmissions will be accepted

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.